

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 3430 OF 2007

Shri Suresh Limbaji Wagare. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Ms.Poonam Bhosale for the applicant.

S.S.Pednekar, A.P.P. for the State.

CORAM: V.C.DAGA, J.

DATED: 29th October 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is seeking bail in connection with C.R.No.115/2007 registered with Pandharpur Taluka Police Station, Pandharpur for the offences punishable under sections 306, 323, 504 of Indian Penal Code.

3. This application for bail has been moved by the applicant after having suffered adverse order dated 4th September, 2007 at the hands of the learned Sessions Judge, Pandharpur. The allegations made against the present applicant are that he used to

ill-treat and practise cruelty on the deceased Sunita (who was his wife) since he was in illicit relations with one Sou.Survanta Jagannath Bandgar, which the deceased use to object.

4. On account of the ill and cruel treatment, deceased wife committed suicide on 25th April, 2007 at about 14.00 hours by pouring kerosene on her person and setting herself ablaze. She died on 28th April, 2007 at about 6.45 p.m. while she was under treatment in the hospital at Solapur.

4. The reasons given by the learned Sessions Judge while refusing to grant bail to the applicant are as under:

" In this case the dying declaration of the deceased Sunita was recorded on the date of the incident itself while she was in the hospital. In her dying declaration she has clearly stated that her husband i.e. the present applicant was having illicit relations with Sou.Survanta Bandgar and so he use to ill treat her and beat her for the same as she was objecting for the said illicit relations. This shows that the deceased committed suicide on account of the fact that the applicant was having illicit relations with Sou.Survanta Bandgar.

. It was argued on behalf of the applicant that the deceased has left two small children and there is no one else to look after them after the death of the ceased as the present applicant is in jail. This argument advanced on behalf of the applicant though appears to be emotional but can not be considered because the parents of the deceased are equally competent to take care of the minor children of their deceased daughter. So under such circumstances and for the reasons

mentioned above I am not inclined to released the applicant on bail. The application therefore deserves to be rejected."

5. Having seen the material available on record and the reasons recorded by the learned Sessions Judge, no case is made out to take contrary view. Application for bail is, therefore, rejected.

JUDGE